

REMARKS

The Office Action of July 11, 2006 has been carefully reviewed.

35 USC § 102

Claims 10-27 have been rejected under 35 USC § 102(b) as being anticipated by Westerlund.

Like the present invention, Westerlund teaches a calibration instrument that measures both radiation flux and energy. Unlike the present invention, however, Westerlund does not teach a calibration system that changes its calibration standard based on the measured energy (e.g., per paragraph 74 of the present invention),

Applicant realizes in retrospect that the claim language of “comparing at least one of the flux signals to the benchmark flux values of an energy range corresponding to the energy signal” may not accurately convey this intended limitation because typically the user of a calibration system will employ a set of benchmark flux values that are appropriate to the energy range, even if there is only one set of benchmark flux values. Accordingly, this claim language has been amended to indicate that the benchmark flux values are “automatically selected based on the energy range indicated by the energy signal”. It is believed that Westerlund does not fairly teach or suggest this particular feature.

Claims 19-27 were indicated to be allowable if they incorporated the limitations of the rejected base claim 10. Applicant has accordingly incorporated the limitations of claim 10 into claim 19.

In light of these amendments and remarks, it is believed that claims 10-18 and 19-27 are now in condition for allowance, and allowance is respectfully requested.

The Commissioner is hereby authorized to deduct any fees arising as a result of this or any other communication from Deposition Account 50-1170.

Respectfully submitted,

By 

Keith M. Baxter
Reg. No. 31,233
Attorney for Applicant
Boyle, Fredrickson, Newholm, Stein & Gratz
250 East Wisconsin Avenue
Suite 1030
Milwaukee, WI 53202
414 225-9755